

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSE ORTIZ,

Plaintiff,

vs.

Case No: 2:11-cv-03123-STA-tmp

THE HERSHEY COMPANY,

Defendant.

AMENDED MOTION FOR EXTENSION OF TIME TO FILE

Comes now, Plaintiff by and through his attorney of record, Linda K. Garner, and moves this court for an extension of time to file its Response to the Defendant's Motion for Summary Judgment from July 23, 2013 until July 24, 2013.

As grounds for this request, counsel would show the court:

1. That the Defendant had graciously agreed to extend to Plaintiff three (3) extra days to file her Response to Summary Judgment.
2. That the Brief is primarily complete, is in the proof stage, and exhibit organization.
3. That counsel has been in an unexpected divorce trial for most of the day, and upon her return to the office, an emergency with her mother arose.
4. That as a result thereof, counsel telephoned Ms. Haverstick and Ms. Guerrasio, and was unable to reach either due to the lateness of the hour on the east coast.
5. That counsel is requesting to file her response on Thursday, July 25, 2013.

WHEREFORE, Plaintiff prays:

1. That Plaintiff be allowed until Thursday, July 25, 2013 to file his Response to Defendant's Motion for Summary Judgment.
2. That the Defendant be allowed until Thursday, August 8, 2013 to file its Reply Brief.

Respectfully submitted,

s/Linda K. Garner
22 North Front Street, Suite 140
Memphis, Tennessee 38103
(901) 524-1111
(901) 524-1004 facsimile
Attorney for Plaintiff

CERTIFICATE OF CONSULTATION

The Plaintiff telephoned Ms. Haverstick and Ms. Guerrasio, and was unable to reach either, likely due to the lateness of the hour on the east coast. Plaintiff will consult with Ms. Haverstick and/or Ms. Guerrasio regarding this request for an extension and will amend accordingly.

s/ Linda K. Garner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document was forwarded to Amanda D. Haverstick, and Edna Guerrasio, counsel for the Defendant via the court's ECF notification system, this 23rd day of July, 2013.

Certified by: s/ Linda K. Garner